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***Attorneys for Defendants/Third-Party Plaintiffs,
Midlantic Healthcare, Inc. and Stephen Di Tomasso***

Our File No.: 85711

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Return Date: February 5, 2007
9:00 a.m.

ELAINE L. CHAO, Secretary of Labor, United
States Department of Labor,

Plaintiff,

vs.

NEW JERSEY LICENSED BEVERAGE
ASSOCIATION, INC.; MELVIN GITLER;
ROBERT SCERBO; PHIL CITTA; WILLIAM
CLEARY; ROBERT MARCIANI; JOSEPH
ARDIRE; RICHARD BELLSHOT; JAMES
HILL; MICHAEL MARSH; LEWIS
ROTHBART; FRANK ZANOTTI; ANN
SMULEWICZ; RANDY NORMAND; MARY
ROENICK; STEPHAN DI TOMASSO;
MIDLANTIC HEALTHCARE, INC.; NEW
JERSEY LICENSED BEVERAGE
ASSOCIATION EMPLOYEE WELFARE
BENEFIT PLAN,

Defendants.

and

STEPHAN DI TOMASSO; MIDLANTIC
HEALTHCARE, INC.

Third-Party Plaintiffs

vs.

HORIZON HEALTHCARE SYSTEMS;
NATIONAL BENEFITS ADMINISTRATORS;
INTERNATIONAL RISK CONSULTANTS;
IMMS/STARLINE GROUP, XYZ CORPS 1-10
(said names being fictitious) and JOHN
DOES 1-10 (said names being fictitious),

Third-Party Defendants.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Civil Action No. 04-5692 (JWB)

**NOTICE OF MOTION TO APPROVE
THIRD-PARTY SETTLEMENT**

To: Louis DeBernardo, Esq.
United States Department of Labor
Office of the Solicitor
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New York, New York 10014-9528

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SIRS/MADAM:


PLEASE TAKE NOTICE that on Friday, February 5, 2007, at 9:00 in the forenoon, or as soon thereafter as counsel can be heard, the undersigned, attorneys for the defendants/third-party plaintiffs, Stephen Di Tomasso and Midlantic Healthcare, Inc.,

shall move this Court, located at Clarkson S. Fischer Federal Building and U.S. Courthouse, 402 E. State Street, Trenton, New Jersey 08608, for an Order approving the third-party settlement in this matter.

PLEASE TAKE FURTHER NOTICE that in support of this motion, the defendants/third-party plaintiffs shall rely upon the accompanying Certification of Ronald A. Berutti.

PLEASE TAKE FURTHER NOTICE that oral argument is respectfully requested should the Court be inclined to hear argument on all related motions.

WEINER LESNIAK LLP
Attorneys for Defendants/Third-Party Plaintiffs,
Midlantic Healthcare, Inc. and
Stephen Di Tomasso

By: 
Ronald A. Berutti
A Member of the Firm

Dated: January 19, 2007